

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

LAURIE D.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:20-cv-831 (RDA/TCB)
)	
ANDREW M. SAUL, <i>Commissioner of</i>)	
<i>Social Security,</i>)	
)	
Defendant.)	

ORDER

This matter comes before the Court on the Report and Recommendation (“Recommendation”) issued by Magistrate Judge Theresa C. Buchanan on June 3, 2021. Dkt. 23. For the reasons that follow, the Court approves and adopts the Recommendation and dismisses this civil action.

I. BACKGROUND

Plaintiff filed a Complaint in this Court on July 22, 2020 seeking review of Defendant’s final administrative decision that Plaintiff was not entitled to Disability Insurance Benefits (“DIB”). Dkt. 1. On April 12, 2021, Plaintiff filed a Motion for Summary Judgment (Dkt. 15). On May 12, 2021, Defendant filed a Cross-Motion for Summary Judgment (Dkt. 20). On May 26, 2021, Plaintiff filed a Reply (Dkt. 22). Judge Buchanan recommends that Plaintiff’s Motion for Summary Judgment be denied, that Defendant’s Motion for Summary Judgment be granted and that Defendant’s final decision be affirmed. Dkt. 23. Plaintiff objected to the Recommendation on June 17, 2021. Dkt. 24. Defendant then filed a response to Plaintiff’s objection on June 30, 2021. Dkt. 25.

II. STANDARD OF REVIEW

A district court must “make a de novo determination of those portions of the [magistrate judge’s] report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b) (“The district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the magistrate judge’s disposition to which specific written objection has been made.”). However, “a mere restatement of the arguments raised in the summary judgment filings does not constitute an ‘objection’ for the purposes of district court review.” *See Nichols v. Colvin*, 100 F. Supp. 3d 487, 497 (E.D. Va. 2015); *In re Zetia Antitrust Litig.*, 400 F. Supp. 3d 418, 424 & n.4 (E.D. Va. 2019); *Pittard v. Berryhill*, No. 2:17-cv-71, 2018 WL 4219193, at *1 (E.D. Va. Sept. 5, 2018). In the event a plaintiff’s “objections” merely restate her prior arguments, the Court “need only review the Report and Recommendation using a ‘clear error’ standard.” *Lee v. Saul*, No. 2-18-cv-214, 2019 WL 3557876, at *1 (E.D. Va. Aug. 5, 2019).

III. ANALYSIS

Plaintiff objects to the Report and Recommendation issued by Magistrate Judge Buchanan, reasserting, as she did in her summary judgment briefing, that the ALJ failed to properly evaluate the opinions provided by the state agency psychologists. *Compare* Dkt. 16 at 7-13 *with* Dkt. 24 at 2-4. Specifically, Plaintiff argues that the ALJ’s decision did not “properly explain” why it gave the state agency physicians’ opinions regarding Plaintiff’s manipulative limitations less weight than the opinions related to exertional and postural limitations. Dkt. 24 at 3. Rather, Plaintiff argues that the ALJ’s opinion did not describe why the fact that Plaintiff could do certain day-to-day activities contradicted the state agency physician testimony that Plaintiff was limited to occasional manipulative limitations. *Id.*

Because Plaintiff rehashes the arguments she already made before the Court in briefing her summary judgment motion, her objection cannot be construed as one meriting a *de novo* review by this Court. Instead, this Court reviews Magistrate Judge Buchanan's findings for clear error. Judge Buchanan applied the correct "substantial evidence" standard in assessing the ALJ's decision and in doing so confirmed the ALJ appropriately employed the five-step sequential evaluation every Social Security disability claim requires. Dkt. 23 at 6-10. Nothing in Magistrate Judge Buchanan's opinion constitutes clear error and therefore this Court will adopt her findings.

IV. CONCLUSION

Having reviewed Plaintiff's objection, the record, and Judge Buchanan's Recommendation, the Court hereby APPROVES and ADOPTS the Recommendation (Dkt. 23); and

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment (Dkt. 15) is DENIED; and

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment (Dkt. 18) is GRANTED; and


IT IS FURTHER ORDERED that the ALJ's decision is AFFIRMED; and

IT IS FURTHER ORDERED that this action is DISMISSED.

The Clerk is directed to enter judgment against Plaintiff and close this civil action.

It is SO ORDERED.

Alexandria, Virginia
April 11, 2022

/s/ 

Rossie D. Alston, Jr.
United States District Judge